

**\IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ROBERT BOLD, ANNETTE BOLD,
SPENCER BOLD, REGAN BOLD,
ALEXANDRA BOLD, and X HANGING
DIAMOND RANCH, INC,

Plaintiffs,

vs.

NUTRIEN AG SOLUTIONS, INC. f/k/a
CROP PRODUCTION SERVICES, INC.,
and LOVELAND PRODUCTS, INC.,

Defendant.

CV-18-109-GF-BMM

ORDER

INTRODUCTION

Plaintiffs Robert Bold, Annette Bold, Spencer Bold, Regan Bold, Alexandra Bold, and X Hanging Diamond Ranch, Inc. (collectively, “Plaintiffs”) filed this action against Nutrien Ag Solutions, Inc. f/k/a Crop Production Services, Inc. and Loveland Products (collectively, “Defendants”). (Doc. 1, 3). Plaintiffs allege Defendants committed a number of violations, including: negligence, breach of implied warranty, breach of express warranty, negligence per se, breach of warranty of merchantability, strict liability/defective design, strict liability/failure to warn, strict liability/abnormally dangerous activity, violation of state consumer

protection law, and negligent misrepresentation. (Doc. 3). Defendants filed counterclaims for breach of contract and to claim an outstanding account balance that Plaintiffs allegedly owe Defendants. (Doc. 29). There are several motions pending in this case. (Docs. 77, 85, 88, 90, 93, 100, 103, 110). The Court held a hearing on all pending motions on October 19, 2020. (Doc. 143).

ORDER

For the reasons stated in open Court, **IT IS ORDERED:**

- Plaintiffs' Motion for Summary Judgment (Doc. 77) is **DENIED**;
- Defendants' Motion for Summary Judgment (Doc. 85) is **DENIED**;
- Defendants' Motion for Summary Judgment on Counterclaims (Doc. 93) is **DENIED**;
- Plaintiffs' Renewed Motion for Sanctions (Doc. 88) is **GRANTED** in part, with regard to leave to amend complaint on or before October 21, 2020 to add punitive damage claims, and is otherwise **DENIED**;
- Plaintiffs' Motion in Limine (Doc. 90) is **DENIED**;
- Defendants' Motion in Limine (Doc. 100) is **DENIED**;
- Defendants' Motion in Limine (Doc. 103) is **DENIED**;
- Defendants' Motion in Limine (Doc. 110) is **GRANTED** in part with regard to evidence category (a) as described, is **DENIED** without

prejudice with regard to evidence categories (b), (c), and (d), and is

DEFERRED in part with regard to evidence category (e).

Dated the 20th day of October, 2020.



Brian Morris, Chief District Judge
United States District Court